

# DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG LLP

File No.: 590083-2000.1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED: MINIMALLY INVASIVE SURGERY DEVICE, the specification of which ☐ is attached hereto ☒ was filed on February 9, 1999 as ☒ United States ☐ PCT Application No. 09/247,707, with amendments through even day herewith (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)

Application Number:

Filed (Day/Month/Year)

Priority Claimed:

Yes

No

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I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.:</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
08/916,147	21/08/1997		Pending (allowed)

I hereby appoint Matthew K. Ryan, Registration No. 30,800, Barbara Z. Morrissey, Registration No. 41,205 and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, to insert the serial number of the application in the space therefor above, and to transact all business in the Patent and Trademark Office and in

DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY (Under 37 CFR § 1.63)

FLH Docket No. 590083-2000.1.

the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Matthew K. Ryan, Esq.  
C/o FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

Direct all telephone calls to: (212) 588-0800  
to the attention of: Matthew K. Ryan

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature:  Date: 4/25/99

Full name of sole or first inventor: Paul Stelzer  
Residence: 350 East 79th Street, Apt. 22D, New York, NY 10021  
Citizenship: U.S.A.

Signature:  Date: 4/25/99

Full name of 2nd joint inventor (if any): Stuart Stelzer  
Residence: 350 East 79th Street, Apt. 22D, New York, NY 10021  
Citizenship: U.S.A.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of 3rd joint inventor (if any):  
Residence:  
Citizenship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of 4th joint inventor (if any):  
Residence:  
Citizenship:

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].

Applicant or Patentee: Paul Stelzer and Stuart Stelzer  
Serial or Patent No.: 09/247,707  
Filed or Issued: February 9, 1999  
For: MINIMALLY INVASIVE SURGERY  
DEVICE

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File No.: 590083-2000.1  
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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention, entitled *MINIMALLY INVASIVE SURGERY DEVICE* described in application Serial No. 09/247,707, filed February 9, 1999.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

- ☒ no such person, concern, or organization  
☐ persons, concerns or organizations listed below\*

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name

Address

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

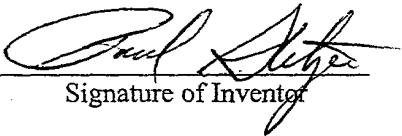

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

Applicant or Patentee: **Paul Stelzer and Stuart Stelzer**  
Serial or Patent No.: **09/247,707**  
Filed or Issued: **February 9, 1999**  
For: **MINIMALLY INVASIVE SURGERY  
DEVICE**

**Frommer Lawrence & Haug LLP**  
File No.: **590083-2000.1**  
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

<u>Paul Stelzer</u>	<u>Stuart Stelzer</u>	<u></u>
Name of Inventor	Name of Inventor	Name of Inventor
		<u></u>
Signature of Inventor	Signature of Inventor	Signature of Inventor
<u>April 13, 1999</u>	<u>April 13, 1999</u>	<u></u>
Date	Date	Date